

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SOUND AROUND, INC.,

Plaintiff,

CASE NO.

1:24-CV-01986-JHR

v.

MOISES FRIEDMAN, SHULIM ELIEZER
ILOWITZ, ML IMPORTS, INC., CYRF, INC.,
LRI GROUP, LLC, EXECUTIVE SERVICES,
EXECUTIVE LAUNDRY, LLC, MDF
MARKETING, INC., WORLD GROUP
IMPORT, LLC, HEFEI PAIDONG
OUTDOOR PRODUCTS CO., LTD.,

ANSWER

Defendants.

Defendants Executive Laundry, LLC and Executive Services (collectively “Responding Defendants”), by their attorneys, Byrne & O’Neill, LLP, as and for their Answer to the Complaint, respectfully set forth upon information and belief as follows:

1. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained within paragraphs 1, 2, 6, 8, 9, 10, 11, 12, 13, 14, 17, 18, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43, 44, 45, 46, 48, 49, 51, 52, 53, 54, 55, 57, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 75, 77, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 94, 97, 98, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 120, 121, 122, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139 and 140 of the Complaint.

2. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained within paragraphs 19, 20 and 21 of the Complaint, and respectfully refer all questions of law to the Honorable Court.

3. Responding Defendants deny all allegations contained in paragraphs 3, 4, 5, 7, 39, 50, 56, 73, 74, 76, 78, 93, 95, 96, 99, 119, 123, 124 and 141 of the Complaint as to the Responding Defendants and deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein.

4. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained within paragraph of the Complaint, and respectfully refer the Honorable Court to any contracts or agreements for all their terms, provisions, conditions and limitations.

5. As for the allegations in paragraph 15 of the Complaint, Responding Defendants deny that Executive Laundry, LLC is “created operated and/or controlled” by the Individual Defendants, and admit only that Executive Laundry, LLC is a New York limited liability company with a principal place of business in East Farmingdale, NY.

6. Responding Defendants deny all allegations contained in paragraph 16 of the Complaint.

COUNT I

7. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 141 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 142 herein.

8. Responding Defendants deny all allegations contained in paragraphs 143, 148, 150, 151 and 153 of the Complaint as to the Responding Defendants, deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein, and respectfully refer all questions of law to the Honorable Court.

9. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 144, 145 and 146 of the Complaint, and respectfully refer all questions of law to the Honorable Court.

10. Responding Defendants deny all allegations contained in paragraphs 147 and 152 of the Complaint as to the Responding Defendants, and deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein

COUNT II

11. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 153 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 154 herein.

12. Responding Defendants deny all allegations contained in paragraphs 155, 158, 159, 160, 161 and 162 of the Complaint as to the Responding Defendants, deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein, and respectfully refer all questions of law to the Honorable Court.

13. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 156 and 157 of the Complaint, and respectfully refer all questions of law to the Honorable Court.

COUNT III

14. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 162 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 163 herein.

15. Responding Defendants deny all allegations contained in paragraphs 164, 169, 170, 171, 172, 173, 175 and 176 of the Complaint as to the Responding Defendants, deny having

knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein, and respectfully refer all questions of law to the Honorable Court.

16. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 165, 166, 167 and 168 of the Complaint, and respectfully refer all questions of law to the Honorable Court.

17. Responding Defendants deny all allegations contained in paragraph 174 of the Complaint as to the Responding Defendants and deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein.

COUNT IV

18. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 176 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 177 herein.

19. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 178 of the Complaint, and respectfully refer all questions of law to the Honorable Court.

20. Responding Defendants deny all allegations contained in paragraphs 179, 180, 181, 182, 183, 184, 185, 186 and 187 of the Complaint as to the Responding Defendants, deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein, and respectfully refer all questions of law to the Honorable Court.

COUNT V

21. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 187 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 188 herein.

22. Responding Defendants deny all allegations contained in paragraphs 189, 190, 191, 192 and 193 of the Complaint as to the Responding Defendants, and deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein.

COUNT VI

23. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 193 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 194 herein.

24. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 195, 196, 197 and 199 of the Complaint,

25. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 198 of the Complaint, and respectfully refer all questions of law to the Honorable Court.

26. Responding Defendants deny all allegations contained in paragraphs 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211 and 212 of the Complaint as to the Responding Defendants, deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein, and respectfully refer all questions of law to the Honorable Court.

COUNT VII

27. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 212 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 213 herein.

28. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 214, 215, 217 and 218 of the Complaint,

29. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 219 and 220 of the Complaint, and respectfully refer all questions of law to the Honorable Court.

30. Responding Defendants deny all allegations contained in paragraphs 216, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232 and 233 of the Complaint as to the Responding Defendants, deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein, and respectfully refer all questions of law to the Honorable Court.

COUNT VIII

31. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 233 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 234 herein.

32. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 235, 236 and 237 of the Complaint, and respectfully refer all questions of law to the Honorable Court.

33. Responding Defendants deny all allegations contained in paragraph 238 of the Complaint as to the Responding Defendants, deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein, and respectfully refer all questions of law to the Honorable Court.

COUNT IX

34. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 238 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 239 herein.

35. Responding Defendants deny all allegations contained in paragraphs 240, 241, 242 and 243 of the Complaint as to the Responding Defendants, deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein, and respectfully refer all questions of law to the Honorable Court.

COUNT X

36. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 243 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 244 herein.

37. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 245, 246, 247, 248, 249, 250, 251 and 252 of the Complaint.

COUNT XI

38. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 252 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 253 herein.

39. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 254 of the Complaint, and respectfully refer all questions of law to the Honorable Court.

40. Responding Defendants deny all allegations contained in paragraphs 255, 256 and 257 of the Complaint as to the Responding Defendants, deny having knowledge or information

sufficient to form a belief as to the truth of the remainder of the allegations therein, and respectfully refer all questions of law to the Honorable Court.

COUNT XII

41. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 257 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 258 herein.

42. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 259, 261, 262, 265 and 269 of the Complaint,

43. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 267 and 268 of the Complaint, and respectfully refer all questions of law to the Honorable Court.

44. Responding Defendants deny all allegations contained in paragraphs 260, 263, 264, 266, 270, 271 and 272 of the Complaint as to the Responding Defendants, deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein, and respectfully refer all questions of law to the Honorable Court.

COUNT XIII

45. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 272 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 273 herein.

46. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 274, 275, 276 and 277 of the Complaint, and respectfully refer all questions of law to the Honorable Court.

47. Responding Defendants deny all allegations contained in paragraph 278 of the Complaint as to the Responding Defendants, deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein, and respectfully refer all questions of law to the Honorable Court.

COUNT XIV

48. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 278 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 279 herein.

49. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 280, 281, 282, 283, 284, 285, 286, 287 and 288 of the Complaint.

COUNT XV

50. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 288 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 289 herein.

51. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 290 of the Complaint, and respectfully refer the Honorable Court to any contracts or agreements for all their terms, provisions, conditions and limitations.

52. Responding Defendants deny all allegations contained in paragraph 291 of the Complaint as to the Responding Defendants, deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein, respectfully refer all questions of law to the Honorable Court, and respectfully refer the Honorable Court to any contracts or agreements for all their terms, provisions, conditions and limitations.

53. Responding Defendants deny all allegations contained in paragraph 292 of the Complaint as to the Responding Defendants, deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein, and respectfully refer all questions of law to the Honorable Court.

COUNT XVI

54. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 292 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 293 herein.

55. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 294 of the Complaint, and respectfully refer the Honorable Court to any contracts or agreements for all their terms, provisions, conditions and limitations.

56. Responding Defendants deny all allegations contained in paragraph 295 of the Complaint as to the Responding Defendants, deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein, respectfully refer all questions of law to the Honorable Court, and respectfully refer the Honorable Court to any contracts or agreements for all their terms, provisions, conditions and limitations.

57. Responding Defendants deny all allegations contained in paragraph 296 of the Complaint as to the Responding Defendants, deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein, and respectfully refer all questions of law to the Honorable Court.

COUNT XVII

58. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 296 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 297 herein.

59. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310 and 311 of the Complaint.

COUNT XVIII

60. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 311 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 312 herein.

61. Responding Defendants deny all allegations contained in paragraph 313 of the Complaint as to the Responding Defendants, deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein, and respectfully refer all questions of law to the Honorable Court.

62. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325 and 326 of the Complaint.

COUNT XIX

63. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 326 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 327 herein.

64. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 328 of the Complaint.

65. Responding Defendants deny all allegations contained in paragraphs 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339 and 340 of the Complaint as to the Responding Defendants, deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein, and respectfully refer all questions of law to the Honorable Court.

COUNT XX

66. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 340 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 341 herein.

67. Responding Defendants deny all allegations contained in paragraphs 342, 343, 344, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366 and 367 of the Complaint as to the Responding Defendants, deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein, and respectfully refer all questions of law to the Honorable Court.

68. Responding Defendants deny all allegations contained in paragraph 345 of the Complaint as to Defendant Executive Services, deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein, and respectfully refer all questions of law to the Honorable Court.

69. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 346 of the Complaint.

COUNT XXI

70. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 367 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 368 herein.

71. Responding Defendants deny all allegations contained in paragraphs 369, 370, 371, 372 and 373 of the Complaint as to the Responding Defendants, deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein, and respectfully refer all questions of law to the Honorable Court.

COUNT XXII

72. Responding Defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs 1 through 373 of the Complaint with the same force and effect as if the same were set forth in full herein in response to paragraph 374 herein.

73. Responding Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 375 of the Complaint.

74. Responding Defendants deny all allegations contained in paragraphs 376 and 377 of the Complaint as to the Responding Defendants, deny having knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations therein, and respectfully refer all questions of law to the Honorable Court.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

Any injuries or damages sustained by Plaintiff as alleged in the Complaint, the same were caused in whole or in part by the contributory negligence and/or culpable conduct of the Plaintiff and not as a result of any contributory negligence and/or culpable conduct on the part of the Responding Defendants.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

The Complaint fails to state a cause of action upon which relief may be granted, cognizable in equity or law, against the Responding Defendants, and must therefore be dismissed.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

If the Plaintiff sustained any injuries or damages as alleged in the Complaint, which allegations are expressly denied, then same were sustained because of the culpable conduct or breach of contract of a third-party or parties over whom the Responding Defendants were not obligated to exercise supervision or control, or for whose breaches Responding Defendants was expressly not responsible by contract.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

Upon information and belief the injuries or damages alleged by Plaintiff, all of which are expressly denied by the Responding Fifth-Party Defendant, were caused by the intervening, interceding and superseding acts of third parties not under the control of the Responding Defendants.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

At all times and places mentioned in the Complaint, the Responding Defendants violated no legal duty owing by it to the Plaintiff.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

The Responding Defendants were not guilty of any negligence which was a proximate cause of the alleged damages of which Plaintiff complains.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

This action should be dismissed pursuant to the doctrines of equitable estoppel, waiver and laches.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

The Complaint should be dismissed for failure to mitigate damages.

AS AND FOR A NINETH AFFIRMATIVE DEFENSE

The Complaint should be dismissed in whole or in part since it seeks a recovery in tort for claimed damages which are pecuniary or economic loss damages.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

The negligence of those responsible for the damages alleged in the Complaint constituted a separate, independent, superseding, intervening culpable act or acts which constitute the sole proximate cause of the alleged damages.

AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE

The Complaint should be dismissed due to spoliation of evidence.

AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE

The Complaint should be dismissed in whole or in part due to a contractual waiver of consequential damages, and/or contractual limitations of liability, as applicable.

AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE

The Complaint should be dismissed in whole or in part due to the parol evidence rule, or statute of frauds, or waiver and release.

AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims reflect damages that are wholly speculative, conjectural, unreasonable, excessive, and/or arbitrary and capricious.

AS AND FOR A FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiff's recovery is barred, in whole or in part, by the statute of limitations

AS AND FOR A SIXTEENTH AFFIRMATIVE DEFENSE

Plaintiff's recovery is barred, in whole or in part, by the doctrine of accord and satisfaction.

AS AND FOR A SEVENTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the applicable statutes of limitations.

**AS AND FOR A CROSS-CLAIM FOR CONTRIBUTION AND/OR INDEMNIFICATION
AGAINST CO-DEFENDANTS, THE RESPONDING DEFENDANTS ALLEGE**

That any injuries and damages sustained by the Plaintiff herein as a result of the alleged incidents described in the Complaint, which are denied, were sustained in whole or in part by reason of the negligence, breach of contract or other breach of duty on the part of the Plaintiff or Co-Defendants.

That if it is determined that the Responding Defendants are liable in any degree to the Plaintiff whether because of negligence, by operation of law or any other reason, the Responding Defendants are entitled to have the liability apportioned with the Co-Defendants by way of contribution and/or are entitled to be indemnified by said parties.

WHEREFORE, the Responding Defendants demand judgment:

- a. Dismissing the Complaint as against the Responding Defendants;
- b. Determining the relative culpability and rights as between all the parties;
- c. Awarding judgment over and against Co-Defendants, in whole or in part, or in such amount as the Court may direct for any verdict or judgment which any party to this action may recover against the Responding Defendant; and,
- d. Awarding the costs and expenses of this litigation, including attorneys' fees.

Dated: New York, NY
June 19, 2024

**DEFENDANTS EXECUTIVE
LAUNDRY, LLC AND
EXECUTIVE SERVICES**

By: /s/ Paul Novak, Esq.
Paul Novak, Esq.
Michael J. Byrne, Esq.
BYRNE & O'NEILL, LLP
11 Broadway, Suite 615
New York, NY 10004
212-422-9424
pn@bonlaw.com
mjb@bonlaw.com

TO: All parties via ECF